



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/442,909      | 11/18/1999  | DOUGLAS GEORGE MURRAY | EN999088            | 6548             |

30400 7590 08/24/2005

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2167

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/442,909

Applicant(s)

MURRAY, DOUGLAS GEORGE

Examiner

LINH BLACK

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26-47, 49-67, 69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-47, 49-67, 69-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This communication is in response to the amendment dated 5/31/05. Claims 25, 48, and 68 are cancelled. Claims 1, 15, 28-30, 41, 51, and 61 are independent claims. Claims 1-24, 26-47, 49-67, 69-70 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-20, 22-24, 26-36, 38-46, 49-57, 59-66, 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al (USP 6259446), and further in view of Ciccone, Jr. et al. (US 6338149).

1. As per claim 1, Matheny et al. teach

Merriam-Webster's Collegiate Dictionary – Ten Edition defines dictionary as “a list (as of items of data or words) stored in a computer for reference (as for information retrieval or word processing)”.

Art Unit: 2167

providing a dictionary file data structure having a plurality of unique inquiries for ascertaining state information on at least one computer system – col. 1, line 30 to col. 2, line 6; fig. 12, elements 1200-1290.

said plurality of unique inquiries being organized into at least one subject group, each subject group being directed to a different piece of said state information – col. 20, lines 25-43.

at least one group of said at least one subject group having multiple records of inquiry; processing at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said processing comprising for each group of said at least one group having multiple unique records of inquiry – col. 1, line 30 to col. 2, line 6; fig. 12, elements 1200-1290.

processing a record of said multiple unique records of inquiry, and if a condition of said record is satisfied then terminating processing of said group, otherwise processing a next record of said multiple unique records of inquiry and continuing until a condition of one record of said multiple records of inquiry is satisfied or all records of said multiple records of inquiry of said group have been processed – col. 1, line 59 to col. 2, line 6; fig. 12; col. 35, line 64 to col. 36, line 3. Matheny et al. also teach network and remote machine – col. 6, lines 43-57.

However, Matheny et al. do not explicitly disclose “a central location”.

Ciccone, Jr. et al. further improve the Matheny et al.’s limitation of “said plurality of unique inquiries being organized into at least one subject group, each subject

Art Unit: 2167

group being directed to a different piece of said state information” by teaching change monitoring system for a computer system – the title. Ciccone, Jr. et al. teach a system employs a “template” concept to monitor platforms, products... The templates for the products list all of the objects included in that product. Examples of objects (and their attributes) are platform, files, processes, disk storage – col. 3, lines 39-67; state check list – col. 14, lines 3-27. Ciccone, Jr. et al. teach the system 2 preferably employs a client-server architecture, and the monitoring node 22 periodically checks the platforms and products of the computer system 4 to determine whether they match the stored templates..., also the central help facility – col. 3, lines 27-67; computer systems - col. 2, lines 39-66. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ciccone, Jr. et al.’s teaching with Matheny et al.’s teaching in order allow the monitoring of different objects efficiently.

2. As per claim 2, Matheny et al. do not explicitly teach wherein said at least one subject group comprises multiple subject groups. However, Ciccone, Jr. et al. teach at least one subject group comprises multiple subject groups - col. 3, lines 39-67; col. 14, lines 3-27.
3. As per claim 3, Matheny et al. teach wherein multiple inquiries of said plurality of instructions, each instruction condition of said instruction inquiries comprise providing a result when a is satisfied - col. 1, line 45 to col. 2, line 6.

Art Unit: 2167

4. As per claims 4-5, Matheny et al. teach collecting results of said instructions into a file, said file being representative of said state of said computer system; wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied - fig. 12; col. 17, lines 9-55; col. 23, lines 5-49.
5. As per claims 6-7, Matheny et al. teach transferring said file to an information repository coupled to said computer system across a network; wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network - col. 6, lines 43-51; fig. 12, elements 1230-1290; col. 7, lines 31-41.
6. As per claim 9, Matheny et al. teach wherein at least one record of inquiry of said multiple records of inquiry comprises an instruction which provides a result when a condition of said instruction is satisfied, said result comprising state information for said group having said record when the condition of said instruction is satisfied - col. 1, lines 59-65; fig. 12; col. 23, lines 26-49; col. 27, lines 1-5.
7. As per claims 10-11, Matheny et al. teach one computer system within a network of computer systems, and wherein said providing comprises reading said dictionary file from a server coupled to said

Art Unit: 2167

network to said one computer system to gather said state information thereon –

col. 6, lines 43-51; fig. 12, elements 1230-1290.

8. As per claim 12, Matheny et al. teach processing each group of said at least one subject group, and setting group substitution variables for output upon initiation of processing of each group of said at least one subject group – col. 1, line 30 to col. 2, line 6; col. 23, lines 18-25.

9. As per claim 13, Matheny et al. teach wherein said multiple inquiry types comprise at least two of: a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry for said group - col. 17, line 9 to col. 18, line 5.

10. As per claim 14, Matheny et al. teach a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information ... - the abstract; col. 1, lines 30-45; col. 6, lines 17-32.

11. Claims 8, 21, 37, 47, 58, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. (USP 6259446), Ciccone, Jr. et al. (US 6338149), and further in view of Datig (US 6233545).

12. As per claims 8, 21, 37, 47, 58, 67, Matheny et al. and Ciccone, Jr. et al. do not explicitly suggest wherein said dictionary file comprises a rules database in an ASCII file. However, Datig teach instruction sets built into the

Art Unit: 2167

procedures of the rule sets and databases that operate on ASCII operating schemes – col. 408, lines 5-8. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow rule sets/database to be in ASCII file in order for system status checks processed efficiently.

**13.** Claims 29-40, 51-60 claims the same subject matters as of claims 1-14, are rejected based on the same ground of rejection.

**14.** Matheny anticipated the independent claims 15, 28, 41, and 61 by the following:

providing a dictionary file data structure having a plurality of unique inquiries for ascertaining state information on at least one computer system – col. 1, line 30 to col. 2, line 6; fig. 12, elements 1200-1290.

at least one inquiry of said plurality of unique inquiries within the dictionary file data structure comprising an instruction having a result which is automatically output when a condition of said instruction is satisfied, each result being predefined in said dictionary file data structure - col. 1, lines 59-65; col. 23, lines 26-66; col. 27, lines 1-5.

wherein said plurality of inquiries comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry – col. 17, line 9 to col. 18, line 5.

processing at least one inquiry of said dictionary file to accumulate said state information - col. 35, line 64 to col. 36, line 3; col. 32, lines 25-32.



Art Unit: 2167

processing at least one inquiry ...at least one instruction – col. 1, line 59 to col. 2, line 6; col. 35, line 64 to col. 36, line 3; col. 32, lines 7-32. Matheny et al. also teach network and remote machine – col. 6, lines 43-57.

However, Matheny et al. do not explicitly disclose “a central location”. Ciccone, Jr. et al. further improve the Matheny et al.’s limitation of “said plurality of unique inquiries being organized into at least one subject group, each subject group being directed to a different piece of said state information” by teaching change monitoring system for a computer system – the title. Ciccone, Jr. et al. teach a system employs a “template” concept to monitor platforms, products... The templates for the products list all of the objects included in that product. Examples of objects (and their attributes) are platform, files, processes, disk storage – col. 3, lines 39-67; state check list – col. 14, lines 3-27. Ciccone, Jr. et al. teach the system 2 preferably employs a client-server architecture, and the monitoring node 22 periodically checks the platforms and products of the computer system 4 to determine whether they match the stored templates..., also the central help facility – col. 3, lines 27-67; computer systems - col. 2, lines 39-66. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ciccone, Jr. et al.’s teaching with Matheny et al.’s teaching in order allow the monitoring of different objects efficiently.

15. Matheny anticipated the independent claims 16, 42, 62 by the following:

Art Unit: 2167

wherein said at least one inquiry comprising said instruction comprises multiple inquiries of said plurality of inquiries, each instruction having a result which is output when a condition of said instruction is satisfied – col. 1, line 45 to col. 2, line 6.

16. Matheny anticipated the independent claims 17-18, 43-44, 63-64 by the following:

collecting results of said instructions into a file, said file being representative of said state of the computer system; wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied – fig. 12; col. 17, lines 9-55; col. 23, lines 5-49.

17. Matheny anticipated the independent claims 19-20, 45-46, 65-66 by the following:

transferring said file to an information repository coupled to said computer system across a network; wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network - col. 6, lines 43-51; fig. 12, elements 1230-1290; col. 7, lines 31-41.

18. Matheny anticipated the independent claims 22-24 by the following:

one computer system within a network of computer systems, and wherein said providing comprises reading said dictionary file from a server coupled to said

Art Unit: 2167

network to said one computer system to gather said state information thereon –

col. 6, lines 43-51; fig. 12, elements 1230-1290.

19. Matheny anticipated the independent claims 26, 49, 69 by the following:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information ... - the abstract; col. 1, lines 30-45; col. 6, lines 17-32.

20. Matheny anticipated the independent claims 27, 50, 70 by the following:

wherein said plurality of inquiries are organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of the at least one subject group having multiple instructions, and processing each instruction of each group of the at least one group having multiple instructions such that if a condition of the instruction is satisfied then terminating processing of the group, otherwise processing a next instruction of the multiple instructions within the group and continuing until a condition of one instruction of the multiple instructions is satisfied or until all instructions of the multiple instructions of the group have been processed – col. 20, lines 25-43.

### ***Response to Arguments***

Applicant's arguments filed 5/31/05 have been fully considered but they are not persuasive. Applicant amended independent claims 1, 15,...to include the limitation "a central location" and "network of computer systems". Examiner finds that Matheny et al. do teach network and remote machine – col. 6, lines 43-57 and Ciccone, Jr. et al. teach the system 2 preferably employs a client-server architecture, and the monitoring node 22 periodically checks the platforms and products of the computer system 4 to determine whether they match the stored templates..., the central help facility – col. 3, lines 27-67; computer systems - col. 2, lines 39-66. Matheny et al. do teach a list of menu items containing containing a command and variables that reflect the command's current appearance. This includes status information determinative of the menu item's state – col. 1, line 30 to col. 2, line 7. As the Merriam-Webster's Collegiate Dictionary – Ten Edition defines dictionary as "a list (as of items of data or words) stored in a computer for reference (as for information retrieval or word processing)". Examiner interprets Applicant's limitation "dictionary" is equivalent to Matheny et al.'s teaching of "list of menu items"

Regarding Applicant's argument on page 22, first and second paragraphs, of the document dated 5/31/05, that Matheny fails to uncover any teaching or suggestion of such a data structure. Examiner disagrees. Examiner finds that Matheny et al. teach a menu item is another object data structure containing a command sequence. The menu item is added to a list of menu items – col. 1, lines 30-45; fig. 12. Regarding to the argument that Matheny and Ciccone fail to

Art Unit: 2167

uncover any discussion of implication of a technique for gathering information on the state of a network of computer systems or not arrangement of inquiries in a common dictionary data structure is set forth. Examiner disagrees. Matheny et al. teach a technique for gathering information on the state of a network of computer system and commands are queried by the menu system – col. 1, line 29 to col. 2, line 7. Ciccone, Jr. et al. further teach a system employs a “template” concept to monitor platforms, products... The templates for the products list all of the objects included in that product. Examples of objects (and their attributes) are platform, files, processes, disk storage – col. 3, lines 39-67; state check list – col. 14, lines 3-27. Regarding Applicant’s argument that if a condition of the record is satisfied then terminating processing of the group, Matheny et al. teach if a condition is right then terminate a process – col. 31, lines 29-32. Ciccone, Jr. et al. further teach checking of system objects – col. 3, lines 49-67; col. 11, line 49 to col. 12, line 65.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory



Art Unit: 2167

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
  
GRETIA ROBINSON  
PATENT EXAMINER

LINH BLACK  
Examiner

Art Unit: 2167

Art Unit 2167

August 19, 2005